

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW MEXICO

3  
4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 JASMINE WILLIAMS,

8 Defendant.

) No. 1:21-CR-01082-WJ

) Pete V. Domenici U.S. Courthouse  
) Albuquerque, New Mexico

) Wednesday, November 10, 2021  
) 10:00 A.M. MST

) Zoom Videoconference

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10 TRANSCRIPT OF PROCEEDINGS  
11 SENTENCING HEARING  
12 BEFORE THE HONORABLE WILLIAM P. JOHNSON  
13 CHIEF UNITED STATES DISTRICT JUDGE

14 APPEARANCES:

15 For the Plaintiff: SHANA B. LONG, ESQ.  
16 UNITED STATES ATTORNEY'S OFFICE  
17 District of New Mexico  
18 Post Office Box 607  
19 Albuquerque, New Mexico 87103

20 For the Defendant: STEPHEN A. TAYLOR, ESQ.  
21 FEDERAL PUBLIC DEFENDER  
22 District of New Mexico  
23 111 Lomas Blvd., NW, Suite 501  
24 Albuquerque, New Mexico 87102

25 For the USPPS: DANIELLA MARTINEZ

Reported by: MARY K. LOUGHRAN, CRR, RPR, NM CCR #65  
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24 Proceedings reported by machine shorthand and transcript  
25 produced by computer-aided transcription.

1 USA v. WILLIAMS - 1:21-CR-01082-WJ

2 SENTENCING HEARING

3 \* \* \* \* \*

4 (In Open Court at 10:07 A.M. MST)

5 THE COURT: Let me call United States vs. Jasmine  
6 williams, 21-CR-1082. Would counsel enter their appearances,  
7 please.

8 MS. LONG: Good morning, Your Honor. Shana Long for  
9 the United States.

10 MR. TAYLOR: Good morning, Your Honor. Stephen  
11 Taylor for Jasmine Williams.

12 THE COURT: And Ms. Williams is present with you?

13 MR. TAYLOR: Yes; I'm sorry. She's here present with  
14 me at my office.

15 THE COURT: All right. I'll note for the record that  
16 there is a Waiver of Personal Presence form that's been signed,  
17 so I will make the finding that Ms. Williams consents to this  
18 matter proceeding by way of video conferencing.

19 Mr. Taylor, was the Presentence Report reviewed with  
20 Ms. Williams?

21 MR. TAYLOR: Yes, it was, and we have no objections  
22 to anything in the report, Your Honor.

23 THE COURT: All right. The United States Supreme  
24 Court has held that the starting point for federal sentencing  
25 is for the Court to arrive at a correctly calculated guideline

1 sentence. So I will make the finding that Probation correctly  
2 calculated the Defendant's Offense Level to be 29, her Criminal  
3 History Category to be 2, and that's an advisory sentencing  
4 guideline range of 97 to 121 months.

5 Now, let me inquire of Ms. Long. There's a plea  
6 agreement, and this plea agreement includes a -- it's very,  
7 very beneficial to the Defendant. I'll note she qualifies  
8 under the First Step Act for the new safety valve provision,  
9 but this case did involve 14.62 net kilograms of actual  
10 methamphetamine. So Ms. Long, what's the United States'  
11 rationale for this plea agreement?

12 MS. LONG: Thank you, Your Honor. So, the United  
13 States would note that with the application of the two levels  
14 for the safety valve, that -- I understand that the sentencing  
15 guidelines have not yet been amended, so that would have to be  
16 accomplished through a downward variance. Ms. Williams in her  
17 plea agreement would not be then further seeking leave from the  
18 court for further reduction once the guidelines are properly  
19 adjusted, once we have an ability to do that at the Commission.  
20 So even though we're starting under the properly calculated  
21 guideline range, not taking into account the two levels, those  
22 two levels should factor into a downward variance which would  
23 form the basis of 78 to 97 months.

24 The agreement that the United States has reached with  
25 the Defendant obviously reflects a much lower sentence than

1 that, and this is the justification that I believe supports  
2 that, and I urge the Court to accept the plea agreement and  
3 sentence her accordingly.

4           The United States Attorney's Office has engaged in  
5 kind of a revamping of how we allocate our resources and who we  
6 proceed with in terms of a robust federal prosecution, and that  
7 is an acknowledgment of how extremely congested the federal  
8 court docket is, how much more violent local drug traffickers  
9 are with firearms, and really trying to adjust our resources  
10 when we are doing full-blown suppression litigation and trials  
11 on the most violent drug traffickers that are having an  
12 immediate impact on our community.

13           Based on that, the United States has set up a state  
14 plea program. Under that program, certain qualifying  
15 individuals are allowed to have the opportunity to go to state  
16 court and, under the program, they agree to a term of 18 months  
17 imprisonment. It's a 50% crime in the state, which results in  
18 a period of nine months, approximately, of custody.

19           Unfortunately, the plea program was getting off the  
20 ground at the same time the pandemic hit, and the state court,  
21 much like the federal court and the rest of society, largely  
22 came to a halt. So what ended up happening was, we didn't want  
23 to create a disparity between people who were being arrested  
24 during COVID and undermine the intent of the program with  
25 access to the state plea program.

1           So based on that, on a case-by-case basis, we  
2 evaluated if there were cases that we could dispose of  
3 federally, yet afford them a similar relief. So that is how we  
4 came up with a 13-month sentence. At 85%, it would be roughly  
5 equivalent to the nine months that other people are serving.

6           And I would note specifically as to this Defendant, I  
7 think she has some personal characteristics under 3553(e) that  
8 very much support this downward variance. She's the sole  
9 caregiver to a minor child, she lacks any significant criminal  
10 history, and she did provide a safety valve debrief that  
11 entitles her to safety valve. But also, in my view, in  
12 speaking with the agent, her debrief also further justifies why  
13 this consideration is warranted.

14           I would note, Your Honor, that by proceeding  
15 federally with this and her receiving the 13-month sentence,  
16 she did not bring any suppression litigation, which as Your  
17 Honor is very well aware has been very time-consuming for  
18 everyone, and really has accepted responsibility with minimal  
19 resources expended by any of the parties.

20           Finally, Your Honor, I would note that the 13-month  
21 sentence would be 85% eligible should this Defendant reoffend  
22 in a federal drug trafficking offense. That is something that  
23 we don't have available to us when we do the state plea  
24 program. So while I do not anticipate that this Defendant  
25 would reoffend, should she do so, she would be subject to

1 enhanced penalties pursuant to 851.

2           So Your Honor, for those reasons, we would ask that  
3 you accept the plea agreement and sentence her accordingly.

4           THE COURT: Did the plea agreement include a specific  
5 term of supervised release?

6           MS. LONG: No, Your Honor.

7           THE COURT: Okay. Mr. Taylor.

8           MR. TAYLOR: Yes, Your Honor. I'd echo what Ms. Long  
9 reported to the Court. It seems like a fair resolution from  
10 Ms. Williams' standpoint. She was given the opportunity to do  
11 the state plea program, but Ms. Williams actually is from  
12 Columbus, Ohio, and so she would prefer to take the federal  
13 plea and possibly be placed in a BOP facility closer to home.  
14 That way, she could have closer access to her six-year-old  
15 daughter, who is turning seven in February.

16           Ms. Williams has struggled with opioid addiction for  
17 several years now, and it, of course, is rooted in childhood  
18 trauma that she is seeking treatment for as part of her  
19 disposition in this case. And so she wants to stay as close to  
20 home as possible. She wants to get treatment for her substance  
21 abuse and trauma needs. This is a young lady who in her life  
22 has already had three overdoses due to opioid use, and it's  
23 become an issue for her that has brought her here before the  
24 federal court. It's something that, you know, she hasn't been  
25 able to get control over in her life and something that she

1 wants to get control over, because she wants to be a good  
2 mother. She wants to be there for her daughter. She wants to  
3 be a stable and reliable caregiver. This is her number one  
4 goal.

5 She also has the goal to enroll in cosmetology  
6 school. She was actually enrolled in the program and she was  
7 supposed to begin the program in Columbus, Ohio, in May of 2021  
8 when she was arrested. She was arrested in this case and she  
9 wasn't able to start that program. But that's still her goal.  
10 She wants to get a certificate so she can cut hair, do nails,  
11 and have a stable income, something that due to her drug use  
12 and her economic conditions, she's not been able to do in her  
13 life. She's not had stable employment, and that's been an  
14 issue for her ever since she was young. Now she's a parent and  
15 she needs to find stable employment for her child, and that way  
16 she could become independent and be a good mother.

17 So that's what she wanted the Court to know, is that  
18 she wants to get up on her own feet, get her own place, get  
19 full custody of her daughter back, and really start making  
20 progress in her life, and she knows that the key to do that is  
21 treatment.

22 THE COURT: Ms. Williams, is there anything that you  
23 want to state, ma'am?

24 THE DEFENDANT: No, I think he said that perfectly.  
25 I couldn't have said it better myself. Those are basically

1 just all my goals, once I can put this behind me, to go ahead  
2 and make better decisions and, like he said, go to school and  
3 make a name for myself in a career that I actually enjoy, and  
4 take care of my daughter and set a better example for her. So  
5 everything that he said, I agree with.

6 THE COURT: In terms of -- I mean, the plea agreement  
7 confers a significant benefit for you, because even with the  
8 qualification under the First Step Act, the federal sentencing  
9 guidelines come down pretty harshly for the quantity of meth  
10 that you had on you. So you're going down further from 78  
11 months incarceration to 13. And when you're in custody for the  
12 13 months, have you made arrangements for who is going to be  
13 watching over your daughter?

14 THE DEFENDANT: Yes. So it's my mother, which thank  
15 God for her. That's who has my daughter now. She's been  
16 raising my daughter, which she would continue to do so.

17 THE COURT: Is the relationship between you and your  
18 mother good?

19 THE DEFENDANT: Yes. Especially now I'm sober, it's  
20 much better than it has been.

21 THE COURT: Okay. You know, hopefully -- first, I  
22 don't doubt at all that you love your daughter and you want to  
23 be there for her. Hopefully your daughter and your desire to  
24 be a really good mother will help be an additional incentive  
25 for you to stay away from the opioids and overcome this



1 addiction, because, again, I don't doubt at all that you love  
2 your daughter, but what happens is, if parents are struggling,  
3 the needs of the child -- you can't put the child's life on  
4 hold while the parents have to, you know, go through drug rehab  
5 and stuff. So it's very important not only for your sake, but  
6 for your daughter's sake, that you not fall off the wagon and  
7 get back into this opioid addiction.

8 THE DEFENDANT: Right, I agree.

9 THE COURT: And the other thing is, it seems like all  
10 your -- your only tie to the state of New Mexico is that you  
11 were apprehended here with the methamphetamine, right?

12 THE DEFENDANT: Right.

13 THE COURT: Well, your lawyer may have told you this,  
14 but I have no control over the federal probation there in Ohio.  
15 I think your case ought to be, once you're sentenced and as  
16 this case moves on, your case needs to be transferred to Ohio,  
17 and we can make that request, but it's up to the federal court  
18 in Ohio whether to accept your case. In some parts of the  
19 country, they do, and in some parts, they don't.

20 So while you'll be under supervision initially there  
21 in Ohio, if the federal court hasn't taken your case and there  
22 are violations and a warrant is issued for your arrest, then  
23 what will happen is, you'll be transported back to New Mexico.  
24 Did Mr. Taylor talk to you about that?

25 THE DEFENDANT: Yeah, a little bit. Yeah.

1 THE COURT: Okay. So that's an additional incentive  
2 for you to stay compliant and not get back into any of the  
3 opioid stuff, because you don't want to be brought back to New  
4 Mexico in custody and be out here when all your family ties and  
5 your responsibilities are in Ohio.

6 THE DEFENDANT: Right.

7 THE COURT: I just wanted to make sure you're aware  
8 of that.

9 So what I'll do, then, is I'll adopt the Presentence  
10 Report's factual findings. I've considered the sentencing  
11 guidelines and the sentencing factors of 18 U.S.C.  
12 3553(a)(1)-(7). The Offense Level is 29, the Criminal History  
13 Category is 2. As I said earlier, that's generally an advisory  
14 sentencing guideline range of 97 to 121 months.

15 The Defendant is eligible under the First Step Act  
16 for a two-level reduction based on the changes in the law to  
17 the safety valve. Again, because of issues with the Sentencing  
18 Commission, what I'll do is, I will go ahead and I will  
19 depart -- or rather, I'll find that a variance equivalent of  
20 two levels is warranted. That reduces the guideline sentence  
21 to 78 to 97 months.

22 The parties entered into a Rule 11(c)(1)(C) plea  
23 agreement. I'll accept the plea agreement. It includes a  
24 specific sentence of 13 months. I'll find that the 13-month  
25 sentence confers a substantial benefit on the Defendant, in

1 that it significantly reduces her sentencing exposure under the  
2 United States Sentencing Guidelines. I'll also make the  
3 finding that the agreed sentence is justified in this case. I  
4 do note that this case involved a situation where the Defendant  
5 was in possession, with the intent to distribute, 14.62 net  
6 kilograms of actual methamphetamine.

7 As to the information, the Defendant will be  
8 committed to the custody of the Bureau of Prisons for a term of  
9 13 months, in accordance with the 11(c)(1)(C) plea agreement.

10 There is not an objection to voluntary surrender; is  
11 that right, Ms. Long?

12 MS. LONG: That's correct, Your Honor.

13 THE COURT: All right. And then I'm assuming,  
14 Ms. Martinez, the Defendant has been compliant with pretrial  
15 conditions?

16 OFFICER MARTINEZ: Yes, that is correct, Your Honor.

17 THE COURT: All right. I'll authorize voluntary  
18 surrender in this case. Mr. Taylor, since you-all are in your  
19 office -- normally if we were in court over here, she would go  
20 down to the Marshals Service and make the arrangements and fill  
21 out the paperwork for voluntary surrender. Have you figured  
22 out how to assist her in that regard?

23 MR. TAYLOR: Yes. I spoke with the Marshals. They  
24 said that we would need to go over there after court today so  
25 she could get processed.

1 THE COURT: Okay. And if you would, make sure she  
2 does that, because Ms. Williams, once you -- you're going to be  
3 allowed voluntary surrender, but you've got to make sure you  
4 report when directed. Otherwise, you could be charged with an  
5 additional offense. So I'll authorize voluntary surrender.

6 Now, I'll also recommend that the Defendant be  
7 designated to a BOP facility closest to -- is it Columbus,  
8 Ohio?

9 MR. TAYLOR: That's correct, yes.

10 THE COURT: And that's what you're requesting?

11 MR. TAYLOR: Yes, Your Honor, that she be placed as  
12 close to home as possible.

13 THE COURT: All right, I'll make that recommendation.  
14 Normally I would also recommend that the Defendant be allowed  
15 to participate in the Bureau of Prisons 500-hour drug and  
16 alcohol treatment program, but typically a defendant needs 18  
17 months on a sentence to qualify for that. So she's not going  
18 to have enough time.

19 I'll recommend that the Bureau of Prisons allow her  
20 to participate in any kind of substance abuse treatment program  
21 that's available considering the time she has on her sentence.

22 After service of the sentence, the Defendant is  
23 placed on supervised release for a term of three years. She  
24 must comply with mandatory and standard conditions.

25 In terms of special conditions, there's the

1 requirement that the Defendant participate in an outpatient  
2 substance abuse treatment program and follow the rules and  
3 regulations of the program. Since the Probation Office must  
4 supervise the Defendant's participation in outpatient substance  
5 abuse treatment, the Defendant must sign the necessary  
6 paperwork to allow the treatment provider to release treatment  
7 information to the Probation Office. The Probation Office may  
8 disclose the Presentence Report and any previous substance  
9 abuse evaluations or records to the treatment provider.

10 while under supervised release, the Defendant must  
11 submit to substance abuse testing to determine if she's used  
12 any prohibited substances. Testing shall not exceed more than  
13 sixty tests per year. The Defendant cannot obstruct or  
14 interfere with any of the testing methods or procedures.

15 The Defendant must not use or possess alcohol. The  
16 Defendant may be required to submit to alcohol testing. If  
17 alcohol testing is utilized, testing shall not exceed more than  
18 four tests per day. The Defendant cannot attempt to obstruct  
19 or tamper with any of the alcohol testing methods or  
20 procedures.

21 The Defendant must not knowingly purchase, possess,  
22 distribute, administer, or otherwise use any psychoactive  
23 substances, such as synthetic cannabinoids or synthetic  
24 cathinones. These conditions are all imposed based on the  
25 nature of the underlying offense and the Defendant's struggles

1 with substance abuse.

2 while under supervised release -- first, I'm not  
3 going to impose any kind of fine in this case based on the  
4 Defendant's lack of financial resources. In lieu of a fine,  
5 I'm going to impose a requirement that the Defendant complete  
6 sixty hours of community service during the three-year term of  
7 supervised release. The Defendant may choose the form of  
8 community service, but the Probation Office must approve the  
9 form of community service.

10 Additionally, if the Defendant obtains employment or  
11 is enrolled in some kind of educational or vocational program,  
12 and the time demands placed on her do not allow her to complete  
13 the community service, I'll authorize the Probation Office, or  
14 give the Probation Office the discretion to waive the community  
15 service requirement.

16 I'm also going to impose the requirement of an  
17 educational or vocational program that the Defendant be allowed  
18 to enroll and participate in. Since she has a desire to get  
19 the cosmetology certifications, then that educational or  
20 vocational training program could provide her assistance in  
21 that regard.

22 I do have to impose a Special Penalty Assessment of  
23 \$100, and I'm required to state that it's due immediately. And  
24 then finally, I will find pursuant to the plea agreement, the  
25 Defendant waives the right to appeal the final sentence.

1 Is there anything else in this case from the United  
2 States?

3 MS. LONG: Nothing further, Your Honor.

4 THE COURT: Anything else, Mr. Taylor, from you?

5 MR. TAYLOR: No, Your Honor. I think there is one  
6 question, though, about when she will need to surrender.

7 THE COURT: well, usually what happens is, it's  
8 typically sixty days. But there can be a request for an  
9 extension if there are underlying circumstances. But I would  
10 ask the Marshals Service about that.

11 MR. TAYLOR: And if she were to want to surrender as  
12 soon as tomorrow, I'm guessing nobody would object to that?

13 THE COURT: No, I think that's an option, if she  
14 wants to start. But if she -- she's probably eligible for a --  
15 again, we're talking about Bureau of Prisons classifications,  
16 but she may be eligible for a camp. If there's one out in  
17 Ohio, then it may work to her advantage to surrender to the  
18 camp instead of surrendering here and having to be transported.  
19 But again, I would talk to the Marshals about that.

20 MR. TAYLOR: Okay.

21 THE COURT: Let me inquire of Probation, does she  
22 need to report in today to go over her conditions?

23 OFFICER MARTINEZ: No, Your Honor, not at this time.  
24 If she would just report to the Marshals after the sentencing  
25 hearing.

1 THE COURT: And then will Probation, I guess,  
2 initiate the documentation to allow the appropriate federal  
3 court in Ohio to supervise Ms. Williams?

4 OFFICER MARTINEZ: Yes, Your Honor. In reference to  
5 that request, the Southern District of Ohio has accepted  
6 supervision over the case. So once she has served her term,  
7 then we will initiate a transfer of jurisdiction.

8 THE COURT: Okay. Well, that's good. I appreciate  
9 you checking that out.

10 OFFICER MARTINEZ: Yes, Your Honor.

11 THE COURT: All right. Anything else on this case?

12 MS. LONG: Not from the United States. Thank you,  
13 Your Honor.

14 MR. TAYLOR: No, Your Honor.

15 THE COURT: All right. Good luck to you,  
16 Ms. Williams.

17 THE DEFENDANT: Thank you very much.

18 (Proceedings adjourned at 10:32 A.M. MST)

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2 FOR THE DISTRICT OF NEW MEXICO

3  
4 UNITED STATES OF AMERICA, )

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SENTENCING HEARING

ZOOM VIDEO-CONFERENCE

9  
10 CERTIFICATE OF OFFICIAL COURT REPORTER

11 I, Mary K. Loughran, CRR, RPR, New Mexico CCR #65, Federal  
12 Realtime Official Court Reporter, in and for the United States  
13 District Court for the District of New Mexico, do hereby  
14 certify that pursuant to Section 753, Title 28, United States  
15 Code, that the foregoing is a true and correct transcript of  
16 the stenographically reported proceedings held in the  
17 above-entitled matter on Wednesday, November 10, 2021, and that  
18 the transcript page format is in conformance with the  
19 regulations of the Judicial Conference of the United States.  
20 Dated this 20th day of October, 2024.

21  
22  
23 MARY K. LOUGHRAN, CRR, RPR, NM CCR #65  
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